



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.co.la.ca.us>

DAVID E. JANSSEN
Chief Administrative Officer

December 6, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**EXCESS GENERAL LIABILITY INSURANCE PROGRAM
FOR COUNTY HEALTHCARE FACILITIES
(ALL DISTRICTS AFFECTED) (3-VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the purchase of commercial excess general liability insurance through Marsh Risk and Insurance Services (Marsh) at a program cost, not to exceed \$860,000 for the period of January 1, 2006 to December 31, 2006.
2. Approve and instruct the Chair to execute the attached amendment extending the commercial insurance Broker Services Agreement with Marsh for an additional one-year term.
3. Instruct the County of Los Angeles (County), Auditor-Controller, to collect and pay such insurance premiums, adjustments, self-insured payments, and related loss expenditures, from the appropriate General, Special, or Enterprise Fund, as determined and validated by the Chief Administrative Officer (CAO).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In December 1993, your Board approved the purchase of commercial excess general liability coverage to provide financial protection against catastrophic events, such as fire, explosion, or natural disaster causing injury or death to multiple patients or guests at a County healthcare or related facility. This program was subsequently renewed in 1996, 1999, and 2002.

Board of Supervisors
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Third District

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Fifth District

The existing coverage and Broker Services Agreement with Marsh expires December 31, 2005. This office recommends the County exercise its contract option to extend the excess general liability insurance program (Program) with Marsh for an additional one-year period from January 1, 2006 through December 31, 2006. As in the current program, coverage will extend to health-related operations of the Departments of Coroner, Fire, Health Services, Mental Health, CAO (Occupational Health Programs), and Sheriff.

The recommended Program provides coverage limits of \$95 million per loss, subject to a County self-insured retention (deductible) of \$5 million per occurrence. All other terms and conditions are equivalent to the current Program, including an exclusion restricting coverage for injury to patients or other persons seeking medical care, except to the extent that the County is found legally liable for injury to such persons arising from fire, lightning, windstorm, hail, riot, civil commotion, smoke, vandalism, malicious mischief, or collapse, and exclusions for professional liability, pollution liability, securities and financial interest, and employer liability.

To date, the County has not incurred a catastrophic general liability loss at any of its healthcare facilities. However, commercial coverage is recommended due to the significant numbers of persons who receive services at these County locations at any one time.

Implementation of Strategic Plan Goals

Purchase of this insurance protection is consistent with the County's Strategic Plan Goal 4, Fiscal Responsibility, and will assist the County in effectively managing its resources.

FISCAL IMPACT/FINANCING

The renewal annual premium amount is not to exceed \$860,000. The current annual (expiring) premium is \$783,151.

Funding is available in the Fiscal Year 2005-06 Insurance Budget. Costs will be charged to the respective departments covered under the Program.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Since 1987, the County has been self-insured for general liability and medical malpractice liability arising from medical services and health-related operations. A one year extension of the Program will also enable the CAO to engage the services of a risk

The Honorable Board of Supervisors
December 6, 2005
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management consultant to conduct an independent risk analysis of liability associated with the operation of the County's healthcare-related facilities, and identify viable risk-financing alternatives, including purchase of excess insurance coverage, necessary to protect the County from catastrophic financial loss. The Departments of Coroner, Fire, Health Services, CAO, Mental Health, and Sheriff concur with the Program's renewal.

This amendment has been reviewed and approved as to form by County Counsel.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This program will provide protection against the possibility of severe financial loss, which could arise from a catastrophic event at a County healthcare-related facility.

Respectfully submitted,



DAVID E. JANSSEN
Chief Administrative Officer

DEJ:RAA
DU:DS:sg

Attachment

c: Executive Officer, Board of Supervisors
County Counsel
Auditor-Controller

**EXCESS GENERAL LIABILITY INSURANCE PROGRAM FOR
COUNTY HEALTH CARE FACILITIES
BROKER SERVICES AGREEMENT**

AMENDMENT NO. 1

Pursuant to Section 4.1, "Option to Extend", of the above-mentioned Agreement (No. 74232), dated December 31, 2002, between the County of Los Angeles (County) and Marsh Risk and Insurance Services (Contractor), the County is hereby exercising its option to extend this Agreement for an additional one-year term, to be effective January 1, 2006 through December 31, 2006.

Now, therefore, County and Contractor mutually agree to the following changes in the Agreement:

1. Section 1.0, "Applicable Documents", is deleted in its entirety and replaced with the following:

1.0 APPLICABLE DOCUMENTS

This base document and the Exhibits listed below form the entire Agreement between the parties (throughout and herein after, the "Agreement").

EXHIBITS

- A - Request for Proposal (RFP) for the Appointment of Broker of Record to the Excess General Liability Insurance Program For Health Care Facilities released June 25, 2002.
- B - Proposal of Contractor dated August 5, 2002.
- C - Safely Surrendered Baby Law.

Any conflict in the terms of the Agreement shall be resolved by giving preference first to this base document, then the RFP, and then the Proposal submitted by Contractor.

2. Section 3.0, "Term", is deleted in its entirety and replaced with the following:

3.0 TERM

- 3.1 The term of this Agreement shall commence on December 31, 2002 and shall continue in full force and effect until December 31, 2006.

3.2 In the event of expiration or prior termination of the term of this Agreement, the Contractor shall fully cooperate with County to provide for the transition to whatever service replacement method the County determines to be in its best interest.

3. Section 60.0 is added as follows:

60.0 CONTRACTOR'S ACKNOWLEDGEMENT OF COUNTY'S COMMITMENT TO THE SAFELY SURRENDERED BABY LAW

The Contractor acknowledges that the County places a high priority on the implementation of the Safely Surrendered Baby Law. The Contractor understands that it is the County's policy to encourage all County Contractors to voluntarily post the County's "Safely Surrendered Baby Law" poster in a prominent position at the Contractor's place of business. The Contractor will also encourage its Subcontractors, if any, to post this poster in a prominent position in the Subcontractor's place of business. The County's Department of Children and Family Services will supply the Contractor with the poster to be used.

4. Except for the changes set forth herein, all other terms and conditions of the Agreement shall remain the same.

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IN WITNESS WHEREOF, Contractor has executed this Amendment No. 1, or caused it to be duly executed, and the County, by order of its Board of Supervisors has caused this Amendment to be executed on its behalf by the Chair of said Board and attested by the Executive Officer-Clerk of the Board of Supervisors thereof, the day and year first above written.

MARSH RISK AND INSURANCE SERVICES

By *Chip Everett*
Name

Senior Vice President
Title

COUNTY OF LOS ANGELES

By _____
Chair, Board of Supervisors

ATTEST:

VIOLET VARONA-LUKENS
Executive Officer-Clerk
of the Board of Supervisors

By _____

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By *Joe M. Aiello*
Senior Deputy County Counsel

10/26/05
g/amr/ExcessLiability/Amendment No. 1 Extension of Contract 10-05

EXHIBIT C

SAFELY SURRENDERED BABY LAW

No shame.

No blame.

No names.

**Newborns can be safely given up
at any Los Angeles County
hospital emergency room or fire station.**



In Los Angeles County:

1-877-BABY SAFE

1-877-222-9723

www.babysafela.org



State of California
Gray Davis, Governor

Health and Human Services Agency
Grantland Johnson, Secretary

Department of Social Services
Rita Saenz, Director



Los Angeles County Board of Supervisors

Gloria Molina, Supervisor, First District

Yvonne Brathwaite Burke, Supervisor, Second District

Zev Yaroslavsky, Supervisor, Third District

Don Krabe, Supervisor, Fourth District

Michael D. Antonovich, Supervisor, Fifth District

This initiative is also supported by First 5 LA and INFO LINE of Los Angeles.

What is the Safely Surrendered Baby Law?

California's Safely Surrendered Baby Law allows parents to give up their baby confidentially. As long as the baby has not been abused or neglected, parents may give up their newborn without fear of arrest or prosecution.

How does it work?

A distressed parent who is unable or unwilling to care for a baby can legally, confidentially and safely give up a baby within three days of birth. The baby must be handed to an employee at a Los Angeles County emergency room or fire station. As long as the child shows no signs of abuse or neglect, no name or other information is required. In case the parent changes his or her mind at a later date and wants the baby back, workers will use bracelets to help connect them to each other. One bracelet will be placed on the baby, and a matching bracelet will be given to the parent.

What if a parent wants the baby back?

Parents who change their minds can begin the process of reclaiming their newborns within 14 days. These parents should call the Los Angeles County Department of Children and Family Services at 1-800-540-4000.

Can only a parent bring in the baby?

In most cases, a parent will bring in the baby. The law allows other people to bring in the baby if they have legal custody.

Does the parent have to call before bringing in the baby?

No. A parent can bring in a baby anytime, 24 hours a day, 7 days a week so long as the parent gives the baby to someone who works at the hospital or fire station.

Does a parent have to tell anything to the people taking the baby?

No. However, hospital personnel will ask the parent to fill out a questionnaire designed to gather important medical history information, which is very useful in caring for the child. Although encouraged, filling out the questionnaire is not required.

What happens to the baby?

The baby will be examined and given medical treatment, if needed. Then the baby will be placed in a pre-adoptive home.

What happens to the parent?

Once the parent(s) has safely turned over the baby, they are free to go.

Why is California doing this?

The purpose of the Safely Surrendered Baby Law is to protect babies from being abandoned by their parents and potentially being hurt or killed. You may have heard tragic stories of babies left in dumpsters or public bathrooms. The parents who committed these acts may have been under severe emotional distress. The mothers may have hidden their pregnancies, fearful of what would happen if their families found out. Because they were afraid and had nowhere to turn for help, they abandoned their infants. Abandoning a baby puts the child in extreme danger. It is also illegal. Too often, it results in the baby's death. Because of the Safely Surrendered Baby Law, this tragedy doesn't ever have to happen in California again.

A baby's story

At 8:30 a.m. on Thursday, July 25, 2002, a healthy newborn baby was brought to St. Bernardine Medical Center in San Bernardino under the provisions of the California Safely Surrendered Baby Law. As the law states, the baby's mother did not have to identify herself. When the baby was brought to the emergency room, he was examined by a pediatrician, who determined that the baby was healthy and doing fine. He was placed with a loving family while the adoption process was started.

Every baby deserves a chance for a healthy life. If someone you know is considering abandoning a newborn, let her know there are other options.

It is best that women seek help to receive proper medical care and counseling while they are pregnant. But at the same time, we want to assure parents who choose not to keep their baby that they will not go to jail if they deliver their babies to safe hands in any Los Angeles County hospital ER or fire station.

Sin pena. Sin culpa. Sin peligro.

Los recién nacidos pueden ser entregados
en forma segura en la sala de emergencia de
cualquier hospital o en un cuartel de bomberos
del Condado de Los Angeles.



En el Condado de Los Angeles:
1-877-BABY SAFE
1-877-222-9723
www.babysafela.org



Estado de California
Gray Davis, Gobernador

Agencia de Salud y Servicios Humanos
(Health and Human Services Agency)
Grantland Johnson, Secretario

Departamento de Servicios Sociales
(Department of Social Services)
Rita Saenz, Directora



Consejo de Supervisores del Condado de Los Angeles

Gloria Molina, Supervisora, Primer Distrito

Yvonne Brattwaite Burke, Supervisora, Segundo Distrito

Zev Yaroslavsky, Supervisor, Tercer Distrito

Don Knabe, Supervisor, Cuarto Distrito

Michael D. Antonovich, Supervisor, Quinto Distrito

Esta iniciativa también está apoyada por First 5 LA y INFO LINE de Los Angeles.

¿Qué es la Ley de Entrega de Bebés Sin Peligro?

La Ley de Entrega de Bebés Sin Peligro de California permite a los padres entregar a su recién nacido confidencialmente. Siempre que el bebé no haya sufrido abuso ni negligencia, padres pueden entregar a su recién nacido sin temor a ser arrestados o procesados.

¿Cómo funciona?

El padre/madre con dificultades que no pueda o no quiera cuidar de su recién nacido puede entregarlo en forma legal, confidencial y segura, dentro de los tres días del nacimiento. El bebé debe ser entregado a un empleado de una sala de emergencias o de un cuartel de bomberos del Condado de Los Angeles. Siempre que el bebé no presente signos de abuso o negligencia, no será necesario suministrar nombres ni información alguna. Si el padre/madre cambia de opinión posteriormente y desea recuperar a su bebé, los trabajadores utilizarán brazaletes para poder vincularlos. El bebé llevará un brazalete y el padre/madre recibirá un brazalete igual.

¿Qué pasa si el padre/madre desea recuperar a su bebé?

Los padres que cambien de opinión pueden empezar el proceso de reclamar a su recién nacido dentro de los 14 días. Estos padres deberán llamar al Departamento de Servicios para Niños y Familias (Department of Children and Family Services) del Condado de Los Angeles, al 1-800-540-4000.

¿Sólo los padres podrán llevar al recién nacido?

En la mayoría de los casos, los padres son los que llevan al bebé. La ley permite que otras personas lleven al bebé si tienen la custodia legal del menor.

¿Los padres deben llamar antes de llevar al bebé?

No. El padre/madre puede llevar a su bebé en cualquier momento, las 24 horas del día, los 7 días de la semana, mientras que entregue a su bebé a un empleado del hospital o de un cuartel de bomberos.

¿Es necesario que el padre/madre diga algo a las personas que reciben al bebé?

No. Sin embargo, el personal del hospital le pedirá que llene un cuestionario con la finalidad de recabar antecedentes médicos importantes, que resultan de gran utilidad para los cuidados que recibirá el bebé. Es recomendado llenar este cuestionario, pero no es obligatorio hacerlo.

¿Qué ocurrirá con el bebé?

El bebé será examinado y, de ser necesario, recibirá tratamiento médico. Luego el bebé se entregará a un hogar preadoptivo.

¿Qué pasará con el padre/madre?

Una vez que los padres hayan entregado a su bebé en forma segura, serán libres de irse.

¿Por qué California hace esto?

La finalidad de la Ley de Entrega de Bebés Sin Peligro es proteger a los bebés del abandono por parte de sus padres y de la posibilidad de que mueran o sufran daños. Usted probablemente haya escuchado historias trágicas sobre bebés abandonados en basureros o en baños públicos. Es posible que los padres que cometieron estos actos hayan estado atravesando dificultades emocionales graves. Las madres pueden haber ocultado su embarazo, por temor a lo que pasaría si sus familias se enteraran. Abandonaron a sus recién nacidos porque tenían miedo y no tenían adonde recurrir para obtener ayuda. El abandono de un recién nacido lo pone en una situación de peligro extremo. Además es ilegal. Muy a menudo el abandono provoca la muerte del bebé. Ahora, gracias a la Ley de Entrega de Bebés Sin Peligro, esta tragedia ya no debe suceder nunca más en California.

Historia de un bebé

A las 8:30 a.m. del jueves 25 de julio de 2002, se entregó un bebé recién nacido saludable en el St. Bernardine Medical Center en San Bernardino, en virtud de las disposiciones de la Ley de Entrega de Bebés Sin Peligro. Como lo establece la ley, la madre del bebé no se tuvo que identificar. Cuando el bebé llegó a la sala de emergencias, un pediatra lo revisó y determinó que el bebé estaba saludable y no tenía problemas. El bebé fue ubicado con una buena familia, mientras se iniciaban los trámites de adopción.

**Cada recién nacido merece una
oportunidad de tener una vida saludable.
Si alguien que usted conoce está pensando
en abandonar a un recién nacido, infórmele
qué otras opciones tiene.**

Es mejor que las mujeres busquen ayuda para recibir atención médica y asesoramiento adecuado durante el embarazo. Pero al mismo tiempo, queremos asegurarnos a los padres que optan por no quedarse con su bebé que no irán a la cárcel si dejan a sus bebés en buenas manos en cualquier sala de emergencia de un hospital o en un cuartel de bomberos del Condado de Los Angeles.